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TO RUEHC/SECSTATE WASHDC PRIORITY 7228  
INFO RUCNASE/ASEAN MEMBER COLLECTIVE  
RUEHGG/UN SECURITY COUNCIL COLLECTIVE  
RUEHBY/AMEMBASSY CANBERRA 0939  
RUEHNE/AMEMBASSY NEW DELHI 4500  
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C O N F I D E N T I A L RANGOON 000147

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STATE FOR EAP AND IO; PACOM FOR FPA

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TAGS: [PGOV](#) [PREL](#) [PHUM](#) [BM](#)

SUBJECT: BURMA,S CONSTITUTION: NO ROOM FOR DEBATE

Classified By: Pol Officer Sean O'Neill for Reasons 1.4 (b) & (d)

11. (C) Summary. A member of the Constitutional Drafting Committee told us the regime did not permit the commission's members to engage in any debate or draft any substantive portions of the constitution. Instead, the draft constitution consisted of a recitation of the 104 fundamental principles that the regime formally published after its National Convention. This member speculated that if the draft constitution was rejected in the upcoming referendum, the government may simply begin the roadmap anew while maintaining the status quo. End Summary.

12. (C) Constitution Drafting Commission member Dr. Soe Yin told our political assistant that the regime did not permit members of the commission to draft any substantive portions of the proposed constitution. He said the draft constitution, which has yet to be released, consisted of a recitation of the regime's 104 fundamental principles which were formally published after the 14-year-long National Convention concluded last October. These principles included controversial provisions such as the guarantee that 25 percent of legislators would be drawn from the military. Rather than debating these provisions or otherwise contributing to the substance of the document, Dr. Soe Yin lamented that members of the commission were relegated to refining these pre-determined principles into a presentable legal format.

13. (C) Dr. Soe Yin suggested that if the draft constitution was rejected in the May referendum, the regime would use the result as a pretext to engage in another lengthy drafting process while maintaining the status quo. He believed that the referendum would be carried out by secret ballot and speculated that the Multi-Party Democracy General Election Commission would organize the vote (note: we have heard from other sources that USDA may also play a leading role in the conduct of the referendum, including efforts to organize balloting and ensure approval of the charter). The Multi-Party Democracy General Election Commission was established to supervise the 1990 elections and was never disbanded. Dr. Soe Yin did not know of any plans to conduct a census or pre-election survey, nor was he aware of any other logistical preparations underway for the vote. He was

not able to provide us with an advance copy of the draft constitution but told us he expects the draft will be published in both Burmese and English and said the regime is in the process of translating the document.

¶4. (C) Dr. Soe Yin is the retired Rector of Rangoon University and now serves as a member of the Myanmar Academy of Arts and Sciences, which falls under the Ministry of Education. The Constitutional Drafting Commission was announced by the regime on October 18, 2007. All of its 54 members were selected by the regime. The commission first met on December 3, 2007 and adjourned on February 19.

¶5. (C) Comment. Dr. Soe Yin confirmed what we have known all along: the constitutional drafting process, like the rest of Than Shwe's roadmap, was a complete sham. If the regime would not even allow its hand-picked delegates to influence the substance of the constitution, we doubt it will allow any of its critics to debate the principles publicly. In Than Shwe's world, the only principle that counts is power. End Comment.  
VILLAROSA